IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Crl.Rev.Pet.No. 2272 of 2003(A)

CRA.14/1995 of ADDL. SESSIONS COURT (ADHOC), PATHANAMTHITTA
SC.38/1993 of ASSISTANT SESSIONS COURT, THIRUVALLA

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REVN. PETITIONER: APPELLANT/ACCUSED

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1. VIJI, S/O.GOPALAN,
   MOOTHAKUNNIL VEEDU, CHATHENKARI MURI,
   PERINGARA VILLAGE.

2. MANNAPPAN, S/O.KUTTY,
   CHAMPANNIL VEEDU, CHATHENKARI MURI,
   PERINGARA VILLAGE.

3. SURESH, S/O.NANAPPAN, CHAMPANNIL VEEDU,
   CHATHENKARI MURI, PERINGARA VILLAGE.

4. SADANANDAN, S/O.GOPALAN, MOOTHAKUNNIL
   VEEDU, CHATHENKARI MURI, PERINGARA VILLAGE.

5. KUTTAPPAI @ KUTTAPPAN, S/O.KUTTY,
   KOLLAMPARAMBIL VEEDU, CHATHENKARI MURI,
   PERINGARA VILLAGE.

6. SANTHAPPAN, S/O.KUTTY,
   KOLLAMPARAMBIL VEEDU, CHATHENKARI MURI,
   PERINGARA VILLAGE.

7. REMESAN, S/O.JANARDHANAN,
   KANIAMPARAMBIL VEDU, CHENTHENKARI MURI,
   PERINGARA VILLAGE.

8. KANNACHAN @ PRASAD, S/O.GOVINDAN,
   KOTTAKKATTUMTHATA LAKSHAMVEEDU,
   CHATHENKARI MURI, PERINGARA VILLAGE.

BY ADV. MNS ASSOCIATES
SRI.S.VIJAYAKUMAR

RESPONDENTS: RESPONDENT/COAMPLAINANT

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/08/2007, ALONG WITH CRRP NO. 2283 OF 2003 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.R.P.Nos.2272/2003-A & 2283/2003-B

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Dated this the 22nd day of August, 2007

O R D E R

Crl.R.P.No.2272/2003 is filed by accused 1, 2, 4, 6 to 8, 12 & 14 and Crl.R.P.No.2283/2003 is filed by the ninth accused, in S.C.No.38/1993. The accused stands convicted and sentenced to undergo simple imprisonment for six months for the offence under Section 143 I.P.C, simple imprisonment for one year for the offence under Section 147 and 148 I.P.C., rigorous imprisonment for two years and to pay a fine of Rs.2,000/- each for the offence under Section 324 I.P.C, rigorous imprisonment for four years for the offence under Section 326 and 450 I.P.C. The fine amount, if realised, was to be paid as compensation to PW.3.

2. The prosecution case is that on 15/09/1991, at about 7.15 a.m., the accused formed themselves into an unlawful assembly and in furtherance of their common object, armed with deadly weapons such as sword stick, sticks etc. entered the Teashop of

CW.10/PW.10 Nandini and attacked PW.2. Accused 1 and 2 cut PW.1 with sword sticks and the third accused inflicted a blow on PW.3 with a sword stick, which resulted in amputation of his left palm. And rest of the accused also attacked PWs.1,4,5,6,7 & 8 with different weapons. The evidence adduced in the matter consisted of the testimony of PWs.1 to 22, Exts.P1 to P26, MOs.1 to 6. The defence got marked Exts.D1 series and D2.

3. The counsel for the revision petitioners have only pleaded for leniency pointing out that since the date of incident 16 years have elapsed and that both sides belong to the same locality and right now they have settled their disputes. It is also pointed out that the second revision petitioner, who is the second accused, is no more. It is seen that PW.3 has sustained very serious injuries and his left palm was amputated. PWs.1, 2, 4 and 5 also sustained injuries of which the injuries sustained by PWs.4 and 5 was somewhat of a serious nature. PWs.6, 7 and 8 have only sustained minor injuries.

In the circumstances, the conviction is confirmed. The sentence imposed under Section 326 read with Section 149 I.P.C is modified to imprisonment till the rising of the court and remit a sum of Rs.20,000/- each as compensation and in default to undergo rigorous imprisonment for six months each. No separate sentence is awarded for the rest of the offences. If the amount of compensation is remitted rupees one lakh shall be paid to PW.3; rupees thirty thousand to PW.4; rupees ten thousand each shall be paid to PWs.1, 2 and 5. Revision petitioners are granted two months time to remit the compensation amount. They shall appear before the Assistant Sessions Judge, Thiruvalla, on 25/10/2007 to receive the sentence.

K.R.UDAYABHANU,
Judge

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